

TO GIVE HILO HIGH SCHOOL

(Continued from Page 1.)

tendent, Mr. Rosecrans said if it was up to them they would rather pay a substitute.

"It seemed as if they wanted to get all they could out of the department," was one of the comments made. In proof of this attitude it was mentioned that, although a six-room teachers' cottage was provided at Punene, the couple had expressed a desire that the assistant teachers should not board with them, as Mrs. Rosecrans being a teacher herself could not keep boarders. It was agreed that the pay of Miss Sussie Kikawa, appointed as assistant at Hilo, be deducted from the salary of Mrs. Rosecrans, who had declined the work while in the pay of the Board. Superintendent Babbitt, however, said Mrs. Rosecrans should not appear in the matter at all.

"The salaries should stop from the day they refused to work for the Board," Mr. Wright remarked.

"That is just the reason we had in making the recommendation," Mr. Farrington said.

Certain salaries in abeyance as to amount were fixed by votes.

The Superintendent's action was approved in his writing to Chas. H. Swain for further particulars of his fifteen years' service on application for a life certificate.

A suggestion of the Superintendent to remedy a difficulty about life certificates was approved. It was to notify applicants that anyone can have a life certificate who holds a Normal School diploma of date prior to 1902 regardless of markings thereon, while one not having such a diploma should be required to take a grammar school grade examination and pass with over 90.

Mr. Babbitt reported on a visit paid to Kulihiwaena with Mr. Farrington, to look into the matter of an exchange of land for school purposes. They were given to understand that Mrs. Nakulua had not obtained a grant of the land wanted. Therefore they had applied to the Superintendent of Public Works for a transfer of land to Land Commissioner Pratt for their purposes.

That day the Governor had told him, however, that Mrs. Nakulua probably did own the land. Therefore he asked for more time, which was granted.

"Regarding nearly every piece of land on which we wish to build under the Loan Act," the Superintendent complained, "there is some obstacle." Dr. Bond was down from Kohala on a case of that kind. In Puna valley there seemed to be a lack of land for the building intended. "Tree different kona lots are in a terrible snarl," the Superintendent concluded.

Superintendent of Public Works Holloway and Principal Richmond had informed him that a building for the High School at Hilo could not be erected according to the plans for the \$18,000 available. They would therefore have to try to adapt the plans to the money. As a matter of fact there would not be much more than \$16,000 for the structure itself. The question was whether to ask them to cut the plans, or to allow them something out of the general fund.

"I should be in favor of putting up a good building," Mr. Wright observed.

Mr. Babbitt said a building according to the plans would cost \$23,000 all told.

Mr. Farrington thought the loan appropriation was \$20,000 and asked where all the difference existed.

Mr. Babbitt said it would cost \$1500 to move the old building off, and the filling in of a gulch would be \$500 or \$600 more. That was approximately \$2000 and then there was the architect to pay.

It was agreed to make an additional appropriation if possible out of the general fund.

A letter was read from C. H. Dickey, interceding for the release of a boy named Gili Cabral from the Boys' Industrial School. His father was a cripple and needed the boy's work.

Mr. Babbitt read a copy of reply he had sent to Mr. Dickey, after having had a conversation with Superintendent Gibson about the case. It showed that the boy was only about twelve years old and had just begun to read and write. He did not think the boy would be of much use to his father. As he was within the compulsory school age, he would be compelled to go to school anyway. The authorities had a responsibility in the matter and the Superintendent could not assent to the boy's release.

His action was approved.

W. A. McKay, school agent at Wailuku, was authorized to sell an old building at Makana to an old native for \$10.

Mrs. Dexter, matron of the Girls' Industrial School, wanted to know how the profits from the industrial work of the girls should be divided. Mr. Farrington had told her about the system in vogue at the Boys' School. They had a certain amount of work to do and what they did over that they were paid for.

Mrs. Wilcox said the last Legislature passed a law giving the Industrial School girls 50 per cent. of the proceeds of their lace-making. Mr. Farrington later turned up the law in question, showing the rate stated for the Girls' Industrial School and 15 per cent. for lace-workers in the common schools.

"Why shouldn't it all go to the pupils?" Mr. Farrington now inquired. "Because the Government provides the material for their work," Mrs. Wilcox answered.

"Also providing homes for them," Mr. Wright added. He thought the Superintendent should fix a fair rate. To give the pupils something for nothing was to encourage a wrong code of ethics. They should be made to understand the meaning of "value received." Whatever was earned over the regulations of stipulated tasks should go to the pupils.

Mr. Babbitt suggested 50 per cent.

the same as for lace-work.

Mrs. Wilcox said the question was only relative to what they sold. They were paid nothing for sewing for the boys or for themselves.

Mr. Wright said certain tasks should be prescribed, whether washing or any other work, and whatever they did over their tasks let them have it.

Supt. Babbitt asked for more time to gain definite information, which was granted. Mr. Farrington suggested that, incidentally, the Superintendent might take up the whole question—work of the boys as well as the girls—but Mr. Babbitt said he would not have time before next meeting.

Then a resolution that seemed to have been a dead letter since its passage was brought up, to have visiting committees inspect the industrial schools and report thereon from time to time.

Mr. Babbitt said he would appoint the committees at next meeting. It was taken for granted that the lady Commissioners would be the visitors for the Girls' Industrial School.

Mr. Wright suggested that the railway company would probably give free transportation to the Boys' School committee.

"I vote for holidays always." In this remark Mr. Wright gave the keynote to a cheerful vote of a holiday in the schools on the Friday after Thanksgiving Day.

Supt. Babbitt reported he was awaiting a report from the Attorney General about the Board's rights in an old lot at Wailuku.

Action of the Superintendent in giving leave to School Agent Curtis of Puna, on advice from Inspector King, to make certain small repairs to buildings, was approved.

Principal McDonald of Lahainaluna wrote saying bobbins for lace-workers would be made for the department by the pupils of that school free of charge.

On the suggestion of Mr. Wright, the Superintendent promised to write a private letter of appreciation to Mr. McDonald for his public-spirited offer.

Miss Augusta Bruce, principal of a country school, wrote a letter imploring the firm support of the Board in enforcing school attendance. She had been besieged with excuses for boys under fourteen, which represented that they would attend night school if relieved from going to day school.

"When we had truuant officers," Miss Bruce said, "we had no trouble of this kind."

The Superintendent advised that a firm stand should be taken in all such cases, and it was voted to send a letter to Miss Bruce informing her that the Board approved of utmost strictness in requiring the attendance of all children within the age limits.

Mr. Babbitt was happy to inform the Board that a teacher had been found for Waimanalo, being Miss Erikstrand now in the Normal School.

A land matter written about by Miss Paris, school agent at Kona, will have to go before the Public Lands Commissioner.

On a letter just received stating that Miss Mary Gunn was laid aside in a sanitarium, Mrs. Wilcox stated that when Miss Gunn was ill for a few days she always got her own substitute. She understood that Mrs. Campbell was now acting for her.

Mr. Farrington asked, "Do teachers move about this way without notifying the department?"

Supt. Babbitt could not answer in the present case, as the school agent had not returned from that afternoon's rounds. "But there has been too much of that sort of thing," he concluded.

Mr. Farrington reported that a G. A. R. man had been to see him about a committee to award prizes for patriotic exercises. It was voted that the Superintendent write to the various organizations asking them to nominate a committee.

Next Saturday Police Magistrate Nalio of Koolauloa will be in the lime light. He has issued warrants for the arrest of the entire road gang at work on Punaluu bridge, charging them with malicious injury. It is a part of the Paele-Keanu road work fight now in progress in the usually quiet neighborhood over the Pali. Keanu had these men build a bridge and became incensed because his successor, on his dismissal by Supervisor Paele, ordered it taken down again.

By request of A. Marques, acting French consul, Marshal Hendry yesterday delivered two deserting seamen in his custody on board the French bark Charles Gounod.

Consumption

The only kind of consumption to fear is "neglected consumption."

People are learning that consumption is a curable disease. It is neglected consumption that is so often incurable.

At the faintest suspicion of consumption get a bottle of Scott's Emulsion and begin regular doses.

The use of Scott's Emulsion at once, has, in thousands of cases, turned the balance in favor of health.

Neglected consumption does not exist where Scott's Emulsion is.

Prompt use of Scott's Emulsion checks the disease while it can be checked.

Send for free sample.
SCOTT & BOWNE, Chemists,
409-415 Pearl Street, New York
50c. and \$1.00 all druggists.

THE DOCTORS TO CONVE

The Hawaiian Territorial Medical Society convenes in annual session tomorrow afternoon at three in the makai ball room on the roof garden of the Young Hotel. While some of the papers to be presented are highly technical, others will be of equal interest to the laity and will be couched in terms of general acceptance and use. "The general public," said President Dr. J. T. McDonald last night, "is cordially invited to attend as often as they like. The organization, like Bar Associations and other professional organizations, is organized for the benefit of its members but it also has a semi-public character and we shall be glad to see the public interest themselves in our coming meetings."

Dr. Armitage of Wailuku is at the Young, having come down to attend the Association, also Dr. Bond of Kohala and others are expected by the Kinau and other boats. The membership covers about seventy-five doctors, among them being a few Japanese, although the Japanese have their own Medical Association. However, many of the Japanese physicians are expected to attend the coming sessions and they will be made welcome.

The program will close with a banquet at the Young Monday evening, of which further announcement will be made. The details of the program follows:

PROGRAM.

Saturday, 3 p. m.
President's Address—"The Beneficent Bacteria," Dr. J. T. McDonald, Honolulu.

"Plantation Sanitation," Dr. R. H. Dinegar, Punene, Maui.
"A School of Tropical Medicine for Honolulu—Why not?" Dr. E. S. Goodhue, Honolulu, Hawaii.

"Tracheotomy for Excessive Pulmonary Oedema with Report of Case," Dr. W. E. Taylor, Honolulu.

Saturday, 8 p. m.
"Filtered Water vs. Typhoid Fever," Dr. F. R. Day, Honolulu.

"Narath's Operation with Exhibit of Anatomical Specimens," Dr. Walter Hoffman, Honolulu.
"Tuberculosis Pulmonalis—Referential to Classification, Diagnosis and Treatment," Dr. A. N. Sinclair, Honolulu.

"Diphtheria—A Recent Epidemic," Dr. P. S. Rossiter, U. S. Navy.
"Infant Feeding in Hawaii," Dr. A. G. Hodgins, Honolulu.

"Perinephritis, with Report of Four Cases," Dr. J. R. Judd, Honolulu.
"Drawing of the Head of the Unicornaria Americana," Dr. John Weddick, Wailuku, Maui.

Sunday, 8:30 a. m.
Clinics at the Queen's Hospital: Drs. James R. Judd, Walter Hoffman, Frank R. Day.

Monday, 3 p. m.
"Acquired Race Immunity," Dr. Carl Ramus, U. S. Mar. Hosp. Service.
"Purulent Inflammation of the Middle Ear and Mastoid Cells," Dr. W. G. Rogers, Honolulu.

"Inquiries of Bones, Muscles, and Ligaments, and their Treatment by Massage and Movement," Dr. Edward Armitage, Wailuku, Maui.

"Constipation—Its Cause, Effects and Treatment," Dr. F. Howard Humphris, Honolulu.

"Beriberi, and Some of Its Clinical Aspects from Personal Observation," Dr. C. B. Cooper, Honolulu.

Monday, Evening.
Annual banquet at the Young Hotel.

KAUAI COURT JURY DISMISSED

Among the passengers by the Mikahala for Kauai were Attorney and Mrs. C. W. Ashford, J. F. Colburn and Judge A. N. Kepikal, who are called to Kauai to attend the term of court now in session at Lihue. In the case of the McBryde estate against Gay & Robinson, ejectment, and in the case in re the estate of Upapa Unauna. Judge Hardy is disqualified and hence Judge Kepikal of the Second Circuit has been called from Maui to hear the cases.

The case of the McBryde Estate vs. Gay and Robinson was tried before Judge Hardy and reversed by the Supreme Court, a new trial being granted. It involves about \$70,000 worth of land situated near Hanalei under lease by the Kapilani estate. The Unauna case is an appeal to a jury from the decision of Judge Hardy adjudicating heirship and decreing distribution of the property.

It is not likely that this case will be tried, as word was received yesterday that Judge Hardy had dismissed his jury for the term. It appears that last week Judge Perry, who was defending some person before Judge Hardy, kept a continual string of objections piling up on the record as to the qualifications of the jurors, which had been drawn under the 1903 law instead of under the new 1906 law. Although Judge Hardy continued to overrule the objections, it is said he weakened toward the end of the week and has now come to the conclusion that Judge Perry was right. Local attorneys say that, as the Supreme Court has passed on the question already, Judge Hardy would have had to adjourn his term, call a special term and draw his jury under the new law, or else he would have had to dismiss his jury and simply try jury-waived cases.

Judge Kepikal expects to return Sunday, as he does not care to wait for the convening of a special term and new jury. In that event, the jury case for which he was called to Kauai will have to go over for another term.

Yesterday the uniforms for Oahu Canton No. 1, Patriarch Militant, I. O. O. F., arrived and tonight the members will probably have their first drill. This organization is the uniform rank of Odd Fellowship.

THE COURT POWERLESS

Justice Hartwell, in giving his oral decision elsewhere referred to, denying the petition of defendant for a writ of error from the Supreme Court, to carry the ejectment case of Meheua vs. Pioneer Mill Co. to Washington, said he had recognized all the difficulties on each side of the contention.

"I have come to the conclusion," he went on to say, "that as a Justice of this court I have no authority, under any act of this Territory or of Congress, to sit as a tryer of fact on the question of the value of the property in controversy. The case would perhaps be quite different if brought here from the Circuit Court by appeal and probably if brought here on writ of error, the entire record then being before the Supreme Court."

As the case had only come up on a bill of exceptions, Justice Hartwell had been unable from that to ascertain the value of the property. If he could infer fairly and reasonably that the small piece of land in question was probably worth \$5000 or more, he thought it would be his duty to strain a point and allow the writ, "but the fact is," he proceeded, "that I really don't infer from anything that I have seen that this piece of land is worth in the market—whatever it might be worth to the defendant, that would not be its market value—the amount now claimed."

The whole difficulty seemed to him to be that if he then unconditionally denied the writ the plaintiff might proceed to taking out a writ of possession, which he assumed would render the defendant helpless in proceedings in the Supreme Court of the United States.

In a running conversation between the Justice and counsel, Mr. McClanahan for defendant took the same view as the court, but Mr. Ashford, referring to California decisions, thought the plaintiff would still be liable to the defendant, as in a mortgage sale, and he did not see why the Supreme Court could not order a restitution.

Mr. Ashford later declined to undertake that the plaintiff would not take out a writ of possession.

It was shown that the amount of land actually recovered was but 93-100 of an acre, and Mr. McClanahan suggested that it might be the site of defendant's mill.

"There is the very point," Justice Hartwell responded, "the value to an individual, the defendant in this case, is not as it seems to me the test of the value contemplated under the Act of Congress." As there was nothing before the court to show that the value was over \$5000, Justice Hartwell said with reference to that fact in conclusion: "I feel constrained—as you must have seen, I have not come to this conclusion hastily and perhaps not willingly—to deny the writ, and I do so."

Then, yesterday, in denying defendant's motion for a thirty days' stay,

Not a Trace Left

Rheumatism Thoroughly Cured by Dr. Williams' Pink Pills for Pale People.

There is one remedy that will cure rheumatism in any of its forms and so thoroughly eradicate the disease from the system that the cure is permanent. This remedy is Dr. Williams' Pink Pills for Pale People and the proof of the statement is found in the experience of Mr. T. S. Wagar, of No. 72 Academy street, Watertown, N. Y. He says:

"The pain was in my joints and my sufferings for over two years was beyond description. There was an intense pain in my shoulders that prevented me from sleeping and I would get up and walk the floor at night. When I began taking Dr. Williams' Pink Pills the improvement was gradual, but by the time I had taken four boxes I was entirely cured and I have not had the slightest touch of rheumatism since that time."

Mr. Wagar's wife is also enthusiastic in her endorsement of Dr. Williams' Pink Pills. She says: "I have tried the pills myself for stomach trouble and have experienced great relief from their use. My daughter, Mrs. Atwood, of Gill street, Watertown, has used them for female weakness and was much benefited by them. I regard Dr. Williams' Pink Pills for Pale People as an extremely valuable family medicine."

Dr. Williams' Pink Pills cured Mr. Wagar by driving the rheumatic poison out of his blood. As shown by the experience of Mr. Wagar's wife, they also drive out the germs of other diseases, and build up the blood to carry healing, health and strength to every organ of the body. Dr. Williams' Pink Pills have cured the worst cases of bloodlessness, indigestion, influenza, headaches, backaches, lumbago, sciatica, neuralgia, nervousness, spinal weakness, and the special ailments of girls and women whose blood supply becomes weak, scanty or irregular. The genuine Dr. Williams' Pink Pills are safe as well as effective as they are guaranteed to be free from opiates or any harmful drugs and cannot injure the most delicate system. If anyone tries to sell substitutes to you write for the genuine to the Dr. Williams' Medicine Co., Shenectady, N. Y. Sent post paid on receipt of price, 50 cents per box, six boxes for \$2.50.

Justice Hartwell referred to the affidavit of defendant's counsel, saying that the railroad tracks were lying on the property which were the means of access to the defendant's sugar mill, and that defendant, if deprived of the land, could not use any other land for the purpose, and that plaintiff had no use for the land requiring its immediate possession, hence could not be injured by the delay asked.

He had consulted his associates on the present motion, besides looking up cases, with this result as he put it: "Each of my associates here feels clear, after the argument, that the power does not lie in this court to stay this notice"—to the Circuit Court clerk—"on the defendant's motion and I have to say that I fully coincide in that opinion."

After disposing of the idea that the court might assume the power under Section 1630, Revised Laws, in the clause, "To take such other steps as may be necessary for the promotion of justice in matters pending before the court," as untenable, Justice Hartwell concluded, "You see the conclusion we have come to, that the motion must be denied, and it is denied."

JAPS DON'T WANT TO BE AMERICANS

"There is nothing to be feared from Japanese immigration," said a man who is probably as well posted upon actual conditions in that respect as any one in the territory. "The fact is," said he, "that the Japanese are continually going away from here. They do not stay here but about so long. After they have enough to go home, they go and take their savings with them. They had much rather be a big toad in the Japanese puddle at home than a very small toad in the American puddle in Hawaii. Not only the grown up people go, but they take their children back with them and even send their children home to acquire a Japanese education, even if they have to remain for a time in Hawaii themselves."

"It is considered a disgrace in Japan for one of the blood not to be able to speak and read the Japanese language and they do not want any 'foreign accent' to it either. The only way to acquire it is to go home to Japan, if born abroad. Hence the reason for sending home the children."

"The Japanese expansion into Korea and Manchuria will be likely to increase rather than decrease the home spirit of the Japanese. With opportunities near at home, it is not at all impossible that Japanese immigration to Hawaii will practically cease. With the constant return flow to Japan, the Japanization of Hawaii, as Secretary Atkinson calls it, is likely to prove a myth. The Japanese population of this Territory is much more likely to decrease from now on than to increase, and it may decrease to such a degree that the Japanese will no longer be the largest element in the foreign population of the Territory."

In this connection, it is said that even American born Japanese or Japanese with rights of American citizenship, are regularly sending their children back 'home' to become real Japanese instead of Americanized Japanese. Dr. Katsunuma's case is quite in point.

DELAY GRANTED TO GET EVIDENCE.

On motion of H. M. Cake, attorney, the trial of the suit of the Pacific Mill Company, of Honolulu, against Inman, Poulsen & Co., for \$173,000 damages, set for November 6, was continued indefinitely. Mr. Cake, who appears for the defense, said it was necessary to examine 13 witnesses in Honolulu, whose evidence was of great value to the defense. This suit involves a big lumber contract entered into in October, 1901. Inman, Poulsen & Co. won on points of law on a previous trial, but the Supreme Court reversed the decision, and ordered a new trial.—Oregonian.

RELEASED FROM PRISON.

Yamashita and Kubo, two Japanese illicit distillers, were yesterday released by mandate of Judge Dole from imprisonment on taking the pauper's oath. They had served their seven months of time sentence and completed a year in default of money penalty, and having no means to pay the balance of fines were entitled to release under the statute.

A WORD TO TRAVELERS.

The excitement incident to traveling and change of food and water often brings on diarrhea, and for this reason no one should leave home without a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. For sale by all dealers and druggists, Benson, Smith & Co., Ltd., agents for Hawaii.

AN IMPORTANT QUESTION FOR FEDERAL DECISION

Can the Territory of Hawaii be sued at law without its consent? This is a question that the Supreme Court of the United States is about being asked to decide.

The Supreme Court of Hawaii has repeatedly held that the Territory can not be made an involuntary defendant to an action.

Now the question is to be carried to Washington in the matter of the foreclosure suit of Sister Albertina, otherwise Eliza Polyblank, trustee, et al. vs. David Kawanakoa, Jonah Kalamanoale and their wives. Chief Justice Frear yesterday allowed the appeal of defendants to the Federal Supreme Court, where, on a writ of error, they become plaintiffs. They perfected the appeal by filing a bond in \$10,000 with John F. Colburn and J. H.

GRAND JURY HEARD FROM

For the first time in its incumbency of two and a half months the grand jury of the First Circuit Court made a report yesterday. By its foreman, M. J. Blawie, it handed in fourteen indictments, all but one of which went on the secret file until warrants could be served. Before closing hours ten of the indictments were released. They are as follows:

Julio Silva, assault with deadly weapon.

J. M. Mokuila, perjury.

John Rodrigues, burglary second degree.

Mary Gordon Bennett, assault with deadly weapon.

Jose Montano, assault with deadly weapon.

Paula Danson Kellett Jr., embezzlement.

C. Shiozawa, publishing a libel, two indictments.

Nozawa Tokitchi, making a libel.

Kong Kok, assault with deadly weapon.

P. Danson Kellett Jr., former clerk to Judge De Bolt, is indicted for having, as trustee of the estate of Manuel Antonio Bareto, deceased, embezzled \$2435.58.

Kellett happening to be in the vicinity when the grand jury entered appeared at the bar and asked to be arraigned immediately. Judge Lindsay set Monday at 9:30 for taking his plea, fixing his bail at \$2500.

JURY STILL LACKING.

In the case of Takada, indicted for murder, a second special venire of eighteen jurors was exhausted before Judge Lindsay and still without twelve men having passed examination for cause. Conscientious scruples against infliction of the death penalty formed the prevailing cause that emptied the panel. A third special venire, this one for twenty-six jurors, was ordered returnable this morning.

COURT NOTES.

In the suit of Robert W. Shingle vs. Joe Baros and others, C. W. Ashford has filed disclaimers of any interest in the premises described by Baros, Makahau and Emma Kalpa, defendants. This leaves the attorney for defendants himself as sole defendant.

Castle & Withington for plaintiff have filed a bill of exceptions to Judge Robinson's order to enter judgment for defendant in the suit of R. C. A. Peterson vs. Elizabeth S. Church.

Smith & Lewis and L. J. Warren for plaintiffs file motions for leave to file amendments to complaints in the suits against Honolulu Brewing and Malting Co., Ltd., and Victor Hoffman by Nicholas Brothers Co. and Western Iron Works respectively.

Antonio Perry has petitioned the Court of Land Registration for a registered title to lots 1, 2, 3 and 4, block 1, Kaimuki tract, containing an area of 59,826 square feet.

Libelee in the divorce suit of Kikuyu Shimazu vs. Michiyuki Shimazu by his attorney, Jno. W. Cathcart, denies the truth of the facts stated in the libel.

Judge Robinson was still hearing the jury trial of Maka vs. Pannie Strauch, trustee, action to quiet title, all of yesterday.

BLAZE THAT MIGHT HAVE DONE DAMAGE

There was a small blaze down town yesterday on Union street, which, but for its location, would have attracted but little notice.

The building between the Guy Owens' establishment and the shack used as a telephone box by the Union Street hack stand, caught fire and, being partially filled with almal, make a large smoke for so small a blaze.

The fire was reported to have been caused by the crossing of electric wires within the building, but Guy Owens is authority for the statement that such a cause is impossible, the way that the wires are located.

The fire ladders were right there with Acting Chief Deering and thanks to their promptness, the town was saved what might have been a very disastrous conflagration. There was no insurance on the contents of the building, or the building itself.

The structure is the property of Bruce Cartwright and not of Mr. Wolters as reported yesterday.